

MAR 20 2002

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Texans for Rudy Izzard and
Rudy Izzard, as Treasurer

MUR 5040

SENSITIVE

GENERAL COUNSEL'S REPORT #4

I. ACTIONS RECOMMENDED:

Approve the attached conciliation agreement and close the file.

II. BACKGROUND

On July 10, 2001, the Federal Election Commission (the "Commission") found that there is probable cause to believe Texans for Rudy Izzard (the "Committee") and Rudy Izzard, as treasurer, violated 2 U.S.C. §§ 432(b)(3), 432(h)(1) and 441a(f), provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"). The Commission's determination followed an audit of the Committee for 1997 through 1998 and subsequent referral to the Office of General Counsel.

III. CONCILIATION AGREEMENT

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IV. CLOSING THE FILE

Consistent with the Commission's treatment of materials to release to the public in MUR 5119 (Friends of John Hostettler) pending the resolution of the appeal in *AFL-CIO v. FEC*, 177 F. Supp. 2d 48 (D.D.C. 2001), *appeal docketed*, No. 02-5069 (D.C. Cir. Feb. 28, 2002), this Office intends to provide the respondents and the public with copies of only the certification of the Commission's votes, the Conciliation Agreement and the portion of the First General

Counsel's Report that explains the Commission's reason to believe findings against three individual excessive contributors and its decision to take no further action against them.


V. RECOMMENDATIONS

1. Accept the attached conciliation agreement with Texans for Rudy Izzard and Rudy Izzard, as treasurer.
2. Close the file.
3. Approve the appropriate letters.

Lawrence H. Norton
General Counsel

22.04.405.3482
Date 3/20/02

BY:


Gregory R. Baker
Acting Associate General Counsel

Attachments

1. Proposed Conciliation Agreement
2. Civil penalty payment

Staff Assigned: Duane Pugh